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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

GARY J. ROGERS

DOCKET NO. 11-CV-913; SEC. P

VERSUS

JUDGE DEE D. DRELL

UNKNOWN DEFENDANT, ET AL.

MAGISTRATE JUDGE JAMES D. KIRK

REPORT AND RECOMMENDATION

Pro se Plaintiff Gary J. Rogers filed a complaint pursuant to 42 U.S.C. §1983. Plaintiff failed to submit documents on the approved forms and failed to pay the \$350 filing fee or submit an application to proceed *in forma pauperis* (IFP). On June 29, 2011, a memorandum order was issued directing Plaintiff to submit his claim on the proper form and to pay the filing fee or file an IFP application. [Doc. #3] Plaintiff had until July 29, 2011 to comply with the order. To date, Plaintiff has not requested an extension of time and has failed to submit the documents and/or fee.

Federal Rule of Civil Procedure Rule 41(b) permits dismissal of claims "for failure of the plaintiff to prosecute or to comply with ... any order of court...." The district court also has the inherent authority to dismiss an action *sua sponte*, without motion by a defendant. Link v. Wabash R.R.Co., 370 U.S. 626, 630-31 (1962). "The power to invoke this sanction is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars of the [d]istrict [c]ourts." McCullough v. Lynaugh, 835 F.2d 1126, 1127 (5th Cir. 1988).

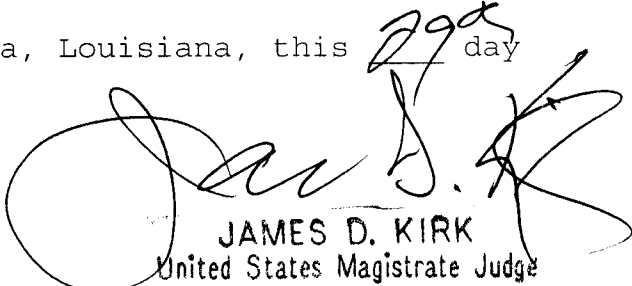
Plaintiff has failed to comply with the Court's order and has not requested an extension of time.

Therefore, **IT IS RECOMMENDED** that Plaintiff's complaint be **DISMISSED WITHOUT PREJUDICE** in accordance with the provisions of FRCP Rule 41(b).

Under the provisions of 28 U.S.C. Section 636(b)(1)(C) and Rule 72(b), parties aggrieved by this recommendation have fourteen (14) days from service of this report and recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within fourteen (14) days after being served with a copy of any objections or response to the district judge at the time of filing.

Failure to file written objections to the proposed factual findings and/or the proposed legal conclusions reflected in this Report and Recommendation within fourteen (14) days following the date of its service, or within the time frame authorized by Fed.R.Civ.P. 6(b), shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the District Court, except upon grounds of plain error. See Douglass v. United Services Automobile Association, 79 F.3d 1415 (5th Cir. 1996).

Thus done and signed at Alexandria, Louisiana, this 29th day of August, 2011.


JAMES D. KIRK
United States Magistrate Judge